

CPT/Inf (2000) 11

**Report to the Andorran Government  
on the visit to Andorra  
carried out by the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
from 27 to 29 May 1998**

The Andorran Government has requested the publication of this report and of the interim and follow-up reports drawn up in response. The Government's responses are set out in document CPT/Inf (2000) 12.

Strasbourg, 20 July 2000

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Copy of the letter transmitting the CPT's report

Strasbourg, 11 December 1998

Dear Madam,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report to the Government of Andorra drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Andorra from 27 to 29 May 1998. The report was adopted by the CPT at its 37th meeting, held from 3 to 6 November 1998.

I would like to draw your attention to paragraph 65 of the report, in which the CPT requests the Andorran authorities to provide an interim and a follow-up report on the measures taken upon its report. It would be most helpful if the Andorran authorities could provide a copy of the reports in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours faithfully,

Ivan ZAKINE  
President of the European Committee for  
the prevention of torture and inhuman  
or degrading treatment or punishment

**Mrs Imma TOR FAUS**  
**Ambassador Extraordinary and Plenipotentiary**  
**Permanent Representative of Andorra**  
**to the Council of Europe**  
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## Preface

As the European Committee for the prevention of torture and inhuman or degrading treatment or punishment is a comparatively new institution, knowledge of its mandate and functions is inevitably limited. The CPT has therefore deemed it appropriate to begin the first of its reports to each Party by setting out some of the Committee's salient features. This should prove particularly helpful in differentiating the basis and aims of the CPT from those of another Council of Europe supervisory body within the field of human rights: the European Court of Human Rights.

Unlike the Court, the CPT is not a judicial body empowered to settle legal disputes concerning alleged violations of treaty obligations (i.e. to determine claims *ex post facto*).

The CPT is first and foremost a mechanism designed to **prevent ill-treatment from occurring**, although it may also in special cases intervene after the event.

Consequently, whereas the Court's activities aim at "conflict solution" on the legal level, the CPT's activities aim at "conflict avoidance" on the practical level.

This being so, the guiding maxim for the CPT when performing its obligations must be to "extend the widest possible protection against abuses, whether physical or mental" (quotation from the 1979 UN Code of conduct for law enforcement officials as well as from the 1988 Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, both adopted by the General Assembly).

The CPT's activities are based on the concept of co-operation (Article 3 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment). The CPT's task is not to publicly criticise States, but rather to assist them in finding ways to strengthen the "cordon sanitaire" that separates acceptable and unacceptable treatment or behaviour. In fulfilling this task the CPT is guided by the following three principles:

- i) that the prohibition of ill-treatment of persons deprived of their liberty is absolute,
- ii) that ill-treatment is repugnant to the principles of civilised conduct, even if used in milder forms, and
- iii) that ill-treatment is not only harmful to the victim but also degrading for the official who inflicts or authorises it and ultimately prejudicial to the national authorities in general.

The CPT first of all explores the prevailing factual situation in the countries it visits. In particular it:

- i) examines the general conditions in establishments visited;
- ii) observes the attitude of law enforcement officials and other staff towards persons deprived of their liberty;

- iii) interviews persons deprived of their liberty in order to understand how they perceive (i) and (ii) and hear any specific grievances they may have;
- iv) examines the legal and administrative framework on which the deprivation of liberty is based.

Subsequently, the CPT reports to the State concerned, giving its assessment of all the information gathered and providing its observations. In this regard, it should be recalled that the CPT does not have the power to confront persons expressing opposing views or to take evidence under oath. If necessary, it recommends measures designed to prevent the possible occurrence of treatment that is contrary to what reasonably could be considered as acceptable standards for dealing with persons deprived of their liberty.

In carrying out its functions, the CPT has the right to avail itself of legal standards contained in not only the European Convention on Human Rights but also in a number of other relevant human rights instruments (and the interpretation of them by the human rights organs concerned). At the same time, it is not bound by the case law of judicial or quasi-judicial bodies acting in the same field, but may use it as a point of departure or reference when assessing the treatment of persons deprived of their liberty in individual countries.

To sum up, the principal differences between the CPT and the European Court of Human Rights are:

- i) the Court has the primary goal of ascertaining whether breaches of the European Convention on Human Rights have occurred. By contrast, the CPT's task is to prevent abuses, whether physical or mental, of persons deprived of their liberty from occurring; it has its eyes on the future rather than the past;
- ii) the Court has substantive treaty provisions to apply and interpret. The CPT is not bound by substantive treaty provisions, although it may refer to a number of treaties, other international instruments and the case law formulated thereunder;
- iii) given the nature of its functions, the Court consists of lawyers specialising in the field of human rights. The CPT consists not only of such lawyers but also of medical doctors, experts in penitentiary questions, criminologists, etc;
- v) the Court only intervenes after having been petitioned through applications from individuals or States. The CPT intervenes ex officio through periodic or ad hoc visits;
- v) the activities of the Court culminate in a legally binding finding as to whether a State has breached its obligations under a treaty. The CPT's findings result in a report, and, if necessary, recommendations and other advice, on the basis of which a dialogue can develop; in the event of a State failing to comply with the CPT's recommendations, the Committee may issue a public statement on the matter.

## **I. INTRODUCTION**

### **A. Dates of the visit and composition of the delegation**

1. In pursuance of Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Andorra from 27 to 29 May 1998.

The visit formed part of the CPT's programme of periodic visits for 1998.

2. The visit was carried out by the following members of the CPT:

- Mr Arnold OEHRICH, Head of the Delegation;
- Mr Mario BENEDETTINI.

They were assisted by:

- Mr Dominique BERTRAND, Head of the Prison Medicine Division, University Institute of Forensic Medicine, Geneva (expert);
- Ms Danielle Josette Muriel GREE (interpreter);
- Mr Felix David José ORDEIG-COLE (interpreter);

and were accompanied by Mr Jan MALINOWSKI of the CPT's Secretariat.

### **B. Establishments visited**

3. The delegation visited the following places of detention:

#### Police establishments

- Police Headquarters, Andorra la Vella
- Police Station, Pas de la Casa

#### Prisons

- La Comella Prison, Andorra la Vella
- Casa de la Vall Prison, Andorra la Vella

In addition, the delegation visited the Police Headquarters' new premises, which were due to enter into service in September 1998.

**C. Cooperation between the CPT and the Andorran authorities**

4. The degree of cooperation which prevailed during the visit was excellent.

The delegation was received by the Minister for the Interior, Mr Lluís MONTANYA TARRÉS, who provided members of the delegation with official credentials. Further, in the course of the visit, the delegation held fruitful consultations with Messrs Pere PASTOR VILANOVA, Director of the Interior, Antoni ALEIX CAMP, Director of the Police, and Antoni MOLNÉ SOLSONA, Director of Prisons. It also held productive meetings with a number of judges, public prosecutors, and a lawyer.<sup>1</sup>

Further, the delegation received a very satisfactory reception at - and in particular rapid access to - all of the establishments visited. Officials at local level made available all of the facilities which were necessary for the delegation to carry out its task.

5. In short, cooperation between the CPT and the Andorran authorities has begun in a very positive manner. The Committee looks forward to developing an ongoing dialogue with those authorities in respect of the subjects raised in this report as well as on other matters of mutual interest.

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<sup>1</sup> A list of the authorities and other persons with whom the CPT's delegation held consultations is set out in Appendix II to this report.



## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Police establishments

#### 1. Preliminary remarks

6. Under Andorran law, a person may be held by the police on their own authority for up to 48 hours (cf. Article 9, paragraph 2, of the Constitution). Within that period, police proceedings must be concluded and the person detained must be released or the case referred to the relevant examining judge. The judge then has a further 24 hours to decide whether to bring criminal charges against the detained person and to take a decision concerning his remand in custody. In consequence, persons may be obliged to remain with the police for a maximum of three days, after which they must either be released or transferred to a prison.

7. The Andorran authorities have set in motion the procedure for the adoption of a new Code of Criminal Procedure, a draft of which has been provided to the CPT. A certain number of provisions of the draft Code are discussed later in this report and **the Committee would like to be informed of the legislative timetable for the entry into force of the new Code.**

#### 2. Ill-treatment

8. In the course of its visit, the CPT's delegation heard no allegations of torture of persons detained by the police in Andorra, and gathered no other evidence of such treatment. Moreover, very few allegations were heard of other forms of ill-treatment, and information gathered from other sources (including judges, prosecutors, a forensic doctor and a lawyer) served to confirm the delegation's generally positive impression.

The CPT welcomes this state of affairs, which would tend to suggest that persons deprived of their liberty by the police in Andorra run little risk of being ill-treated. In order to gain a more comprehensive picture of the current situation, **it would like to receive the following information in respect of 1997 and 1998:**

- **the number of complaints of ill-treatment by the police lodged and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;**
- **an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by the police.**

**The CPT would also like to receive detailed information on the disciplinary procedures applied in cases involving allegations of ill-treatment by the police, including as regards the safeguards which ensure their objectivity.**

### 3. Material conditions

#### a. introduction

9. All police cells should be clean, of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should enjoy natural light. Further, cells should be equipped with a means of rest (e.g. a fixed chair or bench), and persons obliged to stay overnight in custody should be provided with a clean mattress and clean blankets.

Persons in police custody should be allowed to comply with the needs of nature when necessary, in clean and decent conditions, and be offered adequate washing facilities. They should have ready access to drinking water and be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day. Persons held for extended periods (24 hours or more) should be provided with appropriate personal hygiene items and, as far as possible, be offered outdoor exercise every day.

#### b. situation in the establishments visited

10. All of the police cells seen by the CPT's delegation at the Police Headquarters in Andorra la Vella and at Pas de la Casa Police Station were clean and in a satisfactory state of repair, had adequate artificial lighting and were equipped with means of rest (raised plinths). Overnight detention always took place at the Police Headquarters and, at the time of the visit, persons required to remain in police custody overnight were being provided with clean mattresses and blankets. The custody areas in both establishments were equipped with a lavatory and a wash basin, to which detained persons had ready access. However, none of the cells seen benefitted from access to natural light and in-cell ventilation was poor.

At the Police Headquarters, cells measuring some 5.5 m<sup>2</sup> could be used to hold two persons, and a cell measuring around 6.5 m<sup>2</sup>, three persons, for periods of up to three days. The cells in question are not of a reasonable size for the use to which they were being put; however, the CPT will not pursue this matter as the cellular accommodation at the Police Headquarters was due to be taken out of service.

11. The delegation also visited the premises which were due to replace the Police Headquarters in September 1998. In principle, the cells in the new custody area are of a reasonable size for the number of detainees which they are intended to accommodate: up to two persons in some 9 m<sup>2</sup> (seven cells) or 14.7 m<sup>2</sup> (five cells), and up to three persons in around 23 m<sup>2</sup> (three cells). However, **the CPT invites the Andorran authorities to avoid as far as possible holding more than one person overnight in the cells measuring 9 m<sup>2</sup>.**

Given that work on the new building was still ongoing at the time of the visit, the delegation was unable to form a view as to the effectiveness of the ventilation system or the quality of the artificial lighting (a lamp placed above each cell door). It was already clear that the cells will not benefit from access to natural light; however, this failing was mitigated by the fact that the Headquarters would possess a 46 m<sup>2</sup> room benefiting from access to natural light, to which detained persons were to be allowed access.

Other facilities within the new custody area were to include a consultation room, which would offer satisfactory conditions for medical examinations (including as regards confidentiality), and two sanitary annexes (each equipped with a shower).

**The CPT would like to receive confirmation that the custody area at the new Police Headquarters has now been brought into service, as well as further details concerning the access which detained persons are allowed to the 46 m<sup>2</sup> room referred to above.**

Further, the CPT recommends that:

- **in-cell ventilation at Pas de la Casa be reviewed;**
- **conditions of detention in all police detention facilities in Andorra be reviewed in order to ensure that they comply with the criteria set out in paragraph 9.**

12. Reference should also be made to the question of food provided to persons detained by the police. At the time of the visit, such persons received coffee and biscuits for breakfast, the other two daily meals apparently consisting only of sandwiches and, on occasion, soup and some fruit. **The CPT recommends that the provision of food to persons in police custody be reviewed in order to ensure that they receive at least one full meal (i.e. something more substantial than a sandwich) every day.**

#### **4. Safeguards against the ill-treatment of detained persons**

##### **a. introduction**

13. The CPT attaches particular importance to three rights for persons deprived of their liberty by the police:

- the right of those concerned to inform a close relative or another third party of their choice of their situation,
- the right of access to a lawyer,
- the right of access to a doctor.

The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons deprived of their liberty, which should apply from the very outset of custody (that is, from the moment when the persons concerned are obliged to remain with the police).

Moreover, in the view of the CPT, it is equally fundamental that persons detained by the police be informed without delay of all their rights, including those mentioned above.

##### **b. notification of custody**

14. Article 25 of the Code of Criminal Procedure stipulates that:

"In the case of a person's detention and at their request, a close relative shall be informed by telephone of the fact of the detention. This communication should be carried out within 5 hours of the person's arrest, or as soon as possible if, as a result of the circumstances of time or other factors, the absence of news could alarm the detainee's family.

If it is not possible to make the communication directly by telephone, efforts will be made to make it through other means or person, without a time limit, but without unjustified delay.

Exceptionally, and only in the case of suspicion of a serious offence or publicity of the arrest being capable of bearing negatively on the course of the investigation, the communication referred to in the foregoing paragraphs may be delayed for the time required.

The said communication will not be made when the detained person so requests. Nevertheless, if the detainee is a minor and the police consider it proper, the police can make the communication to their relatives."

15. Persons interviewed by the delegation who were or had been detained by the police all confirmed that they had been offered the possibility to inform a close relative of their situation. Moreover, many of those persons had themselves been allowed to make a telephone call to a person of their choice. Further, the records kept of the exercise of this right by a detained person showed that notification of custody was usually carried out within the hour following arrest.

16. As regards the possibility to delay notification of custody, the CPT fully accepts that the right of notification of custody may have to be made subject to exceptions designed to protect the interests of justice. However, any such exceptions should be well defined and they should be applied for as short a time as possible.

Although the current Code of Criminal Procedure is silent on this point, the delegation was told that a delay in notification of custody had to be approved by a senior police officer.

17. In this context, reference should be made to certain provisions of the draft Code of Criminal Procedure.

Firstly, it is envisaged formally to extend the right of notification of custody to relatives and other third parties of the detained person's choice (cf. Article 24 (e) of the draft Code). Secondly, delay of such notification "in the case of suspicion of a serious offence and [emphasis added] publicity of the arrest being capable of bearing negatively on the course of the investigation" will be limited to "a maximum of 24 hours with prior knowledge of and authorisation by the public prosecutor" (cf. Article 25 (2), last sub-paragraph, of the draft Code).

The CPT welcomes these developments.

c. access to a lawyer

18. As matters stand, a person charged with a criminal offence by a judge has the right, as from that moment, to be assisted by a lawyer (cf. Article 100 of the Code of Criminal Procedure). However, Andorran law makes no provision for a right of access to a lawyer for persons detained by the police who have not yet been charged by a judge, nor for any possibility to benefit from the presence of a lawyer during police questioning.

Admittedly, according to information received by the CPT's delegation during the visit, if a lawyer requests to see a detained person, such a visit might be allowed at the discretion of the police. However, at least in principle, a person detained by the police can spend up to three days in custody without being offered the possibility to see a lawyer.

19. The CPT wishes to stress that, in its experience, the period immediately following deprivation of liberty is when the risk of intimidation and ill-treatment is greatest. Consequently, the possibility for persons taken into police custody to have access to a lawyer during that period is a fundamental safeguard against ill-treatment. The existence of that possibility will have a dissuasive effect on those minded to ill treat detained persons; moreover, a lawyer is well placed to take appropriate action if ill-treatment actually occurs.

The Committee recognises that, in order to protect the interests of justice, it may exceptionally be necessary to delay for a certain period a detained person's access to a particular lawyer chosen by him. However, this should not result in the right of access to a lawyer being totally denied during the period in question. In such cases, access to another, independent, lawyer who can be trusted not to jeopardise the legitimate interests of the police investigation should be arranged.

The right of access to a lawyer must include the right to talk to him in private. The person concerned should also, in principle, be entitled to have a lawyer present during any interrogation conducted by the police (whether this be during or after the initial period of police custody). Naturally, this should not prevent the police from questioning a detained person on urgent matters, even in the absence of a lawyer, nor rule out the replacement of a lawyer who impedes the proper conduct of an interrogation; however, the latter possibility should be strictly circumscribed by appropriate safeguards.

20. The new Code of Criminal Procedure is likely to lead to some improvement in this area; the current draft provides for the right of access to a lawyer, including the possibility to benefit from the lawyer's presence during questioning, after 24 hours in police custody (cf. Articles 24 (d) and 25 (1) of the draft Code). However, this will still not fully meet the standards advocated by the CPT. **The Committee recommends that the terms of the draft Code of Criminal Procedure be re-drawn in order to provide persons detained by the police with a right of access to a lawyer as from the very outset of their custody.**

d. access to a doctor

21. According to Article 30 of the Code of Criminal Procedure, a detained person has the right to be medically examined.

At the time of the visit, four doctors employed by the Ministry of the Interior could, at any time, be called upon to examine detained persons who made a request to that effect. Moreover, the delegation was told, by police officers and by a forensic doctor, that a detained person requiring medical care would be transferred to hospital without delay upon the instructions of the doctor or at the initiative of the police.

22. As for the records kept of the medical examination of detained persons, the delegation found that, in broad terms, they comply with the CPT's requirements. In particular, such records included detailed notes of the doctor's findings/observations and a record of the relevant statements by the detainee, as well as some form of conclusion.

23. The only apparent lacuna as regards a detained person's right of access to a doctor concerns the absence of a specific legal provision according detainees the right to have access to a doctor of their own choice. This gap is, for the time being, not bridged in the draft Code of Criminal Procedure. **The CPT recommends that the terms of the draft Code be re-drawn accordingly.**

The CPT would add that it is not proposing that the right of access to a doctor of one's own choice should replace medical examination by a doctor employed by the Ministry of the Interior; it is rather seen as an additional safeguard in case the person concerned feels that the examination carried out by the officially-appointed doctor should be supplemented by a second examination. Moreover, there would be no objection to such a second examination being carried out at the detained person's expense.

e. information on rights

24. Article 30 of the Code of Criminal Procedure stipulates that detained persons have the right immediately to be informed, in a language which they understand, of the reasons for their detention and of their rights.

At the time of the visit, a form available in several languages (Catalan, Spanish, French and English) was being used to inform detained persons of their rights. The CPT welcomes the existence of this form and **trusts that, in due course, the form will be amended in order to reflect the implementation of the recommendations set out in paragraphs 20 and 23.**

f. conduct of police interviews

25. The art of questioning criminal suspects will always be based in large measure on experience. However, the CPT considers that formal guidelines should exist on a number of specific points; the existence of such guidelines will, inter alia, help to underpin the lessons taught during police training. A number of rules regarding the conduct of police interviews are to be found in the Code of Criminal Procedure and subordinate legislation (e.g. the Regulations on the Police Service). The draft Code of Criminal Procedure contains further provisions in this connection (cf. Articles 23 and 24).

However, in the interests of the prevention of ill-treatment, the CPT considers that these rules could usefully be supplemented by a code of conduct for police interviews. Such a code should deal, inter alia, with the following: the systematic informing of the detained person of the identity (name and/or number) of those present at the interrogation; the permissible length of an interrogation; rest periods between interrogations and breaks during an interrogation; places in which interrogations may take place; whether the detained person may be required to remain standing while being questioned; the questioning of persons who are under the influence of drugs, alcohol or medicine, or who are in a state of shock. It should also be stipulated that a systematic record must be kept of the times at which interrogations start and end, the persons present during each interrogation and any request made by the detained person during the interrogation. The position of specially vulnerable persons (for example, the young, those who are mentally disabled or mentally ill) should be subject to specific safeguards.

**The CPT recommends that such a code of conduct be drawn up.**

26. Further, the CPT considers that the electronic (i.e. audio and/or video) recording of police interviews represents another important safeguard for detainees, as well as offering advantages for the police. In particular, it can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of allegations of ill-treatment and the correct attribution of blame. However, such a system is not currently in use in Andorra and, despite the numerous innovations introduced in the Police Headquarters' new premises (cf. paragraph 28 below), consideration has apparently not been given to this possibility. **The CPT invites the Andorran authorities to explore the possibility of electronically recording police interviews.**



g. complaints, monitoring and inspection procedures

27. Detained persons may make an oral or written complaint about a violation of their rights or regarding the lawfulness of their detention. The person/state agent receiving the complaint is required immediately to bring it to the attention of the competent judge, who must in turn deliver a decision concerning the matter within 24 hours (cf. Articles 6 et seq. of the Transitional Law on Judicial Procedures).

The rules governing the expedited (*habeas corpus*) procedure followed in such cases authorise the judge to visit the place where the person concerned is being detained and to have the detainee brought before him/her; the officer in charge of the detainee's custody is also required to appear before the judge in order to give any explanations which may be required.

Further, the delegation was informed that the Director of the Police and, in his absence, the Deputy Director frequently visit the custody area at the Police Headquarters, and that on those occasions they talk with any inmates who express a wish to speak to them.

**The CPT would like to receive information about the precise steps taken by the competent judicial and/or senior police authorities in cases where allegations of ill-treatment of detained persons are brought to their attention.**

28. Reference should also be made to the sophisticated closed circuit television system being installed in the new premises of the Police Headquarters. The system covers corridor areas and the interior of all the cells, and will permit monitoring not only from the control room of the custody area but also from the Police Headquarters central command post and from the offices of the Director and the Deputy Director of the Police. In addition, three cells have been equipped with infra-red cameras, which will allow persons deemed to require special supervision to be observed at any time without activating the cell lighting.

As a matter of principle, the CPT welcomes the use of closed circuit television to monitor custody areas in police establishments. However, it is not fully persuaded of the need to have cameras inside all cells, particularly given that the cell doors are fitted with large glass panels, which facilitate supervision from the corridor area. **The CPT would like to receive the comments of the Andorran authorities on this subject.**

29. Lastly, the CPT considers that the inspection of police detention facilities by an independent authority can make an important contribution towards the prevention of ill-treatment of persons held by the police and, more generally, help to ensure satisfactory conditions of detention. To be fully effective, visits by such an authority should be both regular and unannounced, and the authority concerned should be empowered to interview detained persons in private. **The CPT invites the Andorran authorities to establish a system of regular visits to police establishments by an independent authority.**

## **B. Prisons**

### **1. Preliminary remarks**

30. Until 1993, pursuant to Article 234 of the Andorran Code of Criminal Procedure, persons sentenced to more than three months imprisonment were normally transferred to a French or Spanish prison, after having been offered a choice between the two countries. Only in exceptional cases would the court decide that the prison sentence should be served in Andorra. However, following the entry into force of a new Constitution in April 1993, transfers of sentenced prisoners to France or Spain were suspended, although the CPT understands that there are ongoing negotiations with the authorities of those two States on this subject.

In consequence, both the number of persons held in prison in Andorra and the length of time for which they are held have increased sharply. At the time of the visit, a small number of persons had been in prison in Andorra for several years (in one case for three and a half years). It should also be noted that some prisoners had been sentenced to long periods of imprisonment (between 10 and 15 years).

31. In the course of the visit, the CPT's delegation visited both prison establishments in Andorra: Casa de la Vall and La Comella Prisons.

For some 35 years, the **Casa de la Vall Prison** has occupied the lower semi-basement floors of the 16th Century building which also serves as the seat of the General Council (the Andorran Parliament). It had a capacity of 30 male prisoners, and was in principle used to accommodate inmates serving sentences of longer than 3 years; at the time of the visit, it was accommodating 13 sentenced prisoners and one remand prisoner.

**La Comella Prison** was located on the ground floor of a building close to Andorra la Vella, which also housed a joinery and a car paint and plastic parts workshop quite unconnected with the prison. These premises had been brought into service as a stopgap solution, following the suspension of transfers of prisoners to France and Spain. The prison had a capacity of 60 remand and sentenced prisoners (the latter serving sentences of less than 3 years) and, at the time of the visit, was accommodating 26 inmates (7 of them sentenced), including 4 women.

32. It might be added that, at the very outset of the visit, the Andorran authorities indicated that they considered the country's current prison estate - and in particular Casa de la Vall Prison - to be inadequate. This was borne out by the delegation's own observations.

## **2. Ill-treatment**

33. The CPT's delegation heard no allegations - and gathered no other evidence - of ill-treatment of inmates by staff in Andorran prisons. On the contrary, staff-inmate relations appeared to be cordial and relaxed and, with few exceptions, prisoners interviewed by the delegation made positive remarks about their contacts with custodial staff.

Notwithstanding this positive finding, **the CPT would like to receive the following information in respect of 1997 and 1998:**

- **the number of complaints of ill-treatment lodged against prison officers and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;**
- **an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by prison officers.**

## **3. Conditions of detention**

### **a. material conditions**

34. The cells at **Casa de la Vall Prison** varied in size, the smallest measuring some 7 m<sup>2</sup> and the largest 15 m<sup>2</sup>, while at **La Comella Prison**, the vast majority of cells measured in the order of 10 m<sup>2</sup>. At the time of the visit, most of the cells in both establishments were being used to accommodate one or two prisoners; however, it should be stressed that the official capacity figures (to which reference was made in paragraph 31) were based on higher levels of occupancy (e.g. two prisoners in 7 m<sup>2</sup> and up to four in 9 to 15 m<sup>2</sup>). At such levels of occupancy, most of the cells concerned would have been overcrowded. Actual occupancy levels in certain of the larger cells seen also gave rise to some concern: at La Comella Prison, a 12 m<sup>2</sup> cell was occupied by three persons, and a 15 m<sup>2</sup> cell was accommodating the four women held in the establishment. These cells provided only cramped living conditions for the inmates concerned.

All of the cells seen were partially bar-fronted and, in addition to beds, were furnished with a table, chairs and a television, and equipped with a washbasin and a partitioned lavatory. However, they provided little storage space for personal belongings.

Other aspects of the material conditions in cells at both establishments also left something to be desired. At Casa de la Vall Prison, the cell windows were small and had been covered by a number of layers of bars and grids; as a result, cells benefitted from very limited access to natural light. The situation was worse at La Comella Prison, where none of the cells - and indeed few of the other facilities (library, activities/association room, visiting facilities, etc.) - benefitted from access to natural light. Further, at both establishments, cells were poorly ventilated and, in particular at Casa de la Vall Prison, artificial lighting was mediocre.

35. The delegation was informed that, in principle, prisoners are entitled to one hour of outdoor exercise every day. However, many inmates at Casa de la Vall Prison, and some at La Comella Prison, complained that access to the exercise yards was left to the discretion of prison officers and that the time for which they were allowed to remain in the yards often fell significantly short of their entitlement. Some complaints were also heard to the effect that, on occasion, prisoners had been deprived of outdoor exercise altogether.

As for the outdoor exercise facilities, the yard at La Comella Prison was of a reasonable size, and was marked as a basketball and volleyball court. However, it afforded no shelter from inclement weather.

By contrast, the facility used for outdoor exercise at Casa de la Vall Prison measured a mere 21 m<sup>2</sup>, was roofed by a metal grill, and was situated beneath a public square. Not surprisingly, a number of prisoners complained that they found this yard a sombre and oppressive facility and some claimed that they no longer used it, as they felt like "caged animals in a zoo". The prison's management readily agreed that these complaints were well founded and indicated that it was not unusual for snapshots of prisoners to be taken from the square.

b. regime

36. At both establishments, prisoners were allowed to remain outside their cells for up to 6 hours every day. In most cases, out-of-cell activities consisted of outdoor exercise and association in common rooms, equipped with computers, board games and craft work materials. Two cells at Casa de la Vall Prison had been turned into a fitness room, and La Comella Prison had a separate library which included a reading area; however, both of those facilities were rather modestly equipped.

Only a handful of prisoners were offered work (distributing food, cleaning duties or repair/maintenance work in the prisons). About half of the inmates benefitted from access to some form of educational activity (e.g. language or computer classes); however, this involved only a few hours per week, and complaints were heard from prisoners about the lack of vocational training. Other out-of-cell activities included access to the telephone (three or four times a week) and receiving visits. In this latter respect, the delegation was pleased to note that most visits were of an open nature; moreover, resources permitting, visits were managed by staff in a liberal manner. However, the booths which could be used for closed visits were not equipped with seats and had poor acoustics.

In short, the regime offered to inmates at both establishments was underdeveloped on all fronts (work, education, leisure/sports activities); indeed, prisoners were left to their own devices for most of the time.

c. assessment

37. The CPT has noted that the Andorran authorities plan to withdraw Casa de la Vall Prison from service and to expand the facilities at La Comella Prison. This will provide an opportunity to improve certain aspects of the material conditions in which prisoners are held and to develop the regime offered to them.

The CPT can only welcome the decision to close the former establishment; its premises are, by their very nature, inherently unsuitable for use as a prison. As for La Comella Prison, it is questionable whether all of the existing shortcomings are capable of being remedied within the establishment's current premises. In the CPT's opinion, investing in La Comella Prison would not be money well spent if this involves replicating the present deficiencies on a larger scale.

**The CPT would like to be informed of the envisaged closure date of Casa de la Vall Prison, and to receive detailed information about the planned expansion of La Comella Prison (types of prisoner accommodation, planned occupancy rate, activities envisaged for prisoners, etc.).**

38. Regardless of the timetable for the above-mentioned developments, the CPT considers that certain measures are required as of now to ameliorate the quality of life of inmates in both establishments. In particular, it is necessary to improve access to natural light, artificial lighting and ventilation, and to strive to develop and diversify the regime, particularly for prisoners serving lengthy sentences.

**The CPT recommends that measures be taken without delay to improve the material conditions of detention and activities offered to inmates held at both of Andorra's prisons, in the light of the above remarks. The Committee also recommends that immediate steps be taken to ensure that all prisoners are offered at least one hour of outdoor exercise every day.**

As for cell occupancy levels, the CPT has noted that following the visit, the Andorran authorities have decided to limit to two the number of inmates that can be accommodated per cell at Casa de la Vall Prison (cf. letter of 2 November 1998). Nonetheless, **the Committee recommends that official capacities and actual occupancy levels at both establishments be reviewed, having regard to the remarks made in paragraph 34.**

39. At a more conceptual level, it is for the Andorran authorities to determine their own long-term penal strategy. Nevertheless, the CPT wishes to recall that the decision to deprive someone of their liberty entails a correlative duty upon the State to provide decent conditions of detention.

In this context, the CPT wishes to stress that the standard of accommodation is central to the quality of life within a prison. More particularly, cells should offer sufficient living space for the prisoners they are used to accommodate, should benefit from good access to natural light and ventilation, and should be equipped with adequate artificial lighting and heating. Sanitary arrangements should permit inmates to comply with the needs of nature when necessary in clean and decent conditions; either a lavatory should be located in cellular accommodation (preferably in a sanitary annexe) or means should exist enabling prisoners who need to use a lavatory to be released from their cells without undue delay at all times, including at night. It is desirable for running water to be available within cellular accommodation, and prisoners should have adequate access to shower or bathing facilities. Cells should be suitably furnished (bed, table, chair/stool, storage space), all facilities/equipment should be in a good state of repair, and prisoners should be placed in a position to keep their accommodation in an adequate state of cleanliness.

The requirement that prisoners be allowed at least one hour of outdoor exercise every day is regarded by the CPT as a fundamental safeguard for all prisoners. Outdoor exercise facilities should be sufficiently large to enable prisoners to exert themselves physically and, preferably, should be equipped with a means of shelter from inclement weather.

As for the regime offered to prisoners, the CPT recognises that the provision of organised activities in remand prisons, where there is likely to be a high turnover of inmates, poses particular challenges. It will be very difficult to set up individualised programmes for such prisoners; however, it is not acceptable to leave prisoners to their own devices for months at a time. The aim should be to ensure that all prisoners (including those on remand) spend a reasonable part of the day (i.e. 8 hours or more) outside their cells engaged in purposeful activities of a varied nature: work, preferably with vocational value; education; sport; recreation/association.

The regime offered to prisoners serving lengthy sentences should be even more favourable. Such prisoners should be able to exercise a degree of choice over the manner in which their time is spent, thus fostering a sense of autonomy and personal responsibility. Additional steps should be taken to lend meaning to their period of imprisonment; in particular, the provision of individualised custody plans and appropriate psychological support are important elements in assisting such prisoners to come to terms with their period of incarceration and to prepare for release.

**The CPT recommends that the Andorran authorities develop and implement a comprehensive penal strategy which takes due account of the criteria outlined above.**

#### **4. Health care services**

##### **a. general health care**

40. It should be noted at the outset that, on the whole, the CPT's delegation formed a positive view of the health care services in the two prisons. In particular, it found that they were adequately resourced, in terms of both staff and facilities.

41. On the day of admission or on the following day, each newly-arrived prisoner was given a full medical examination. When the period of detention was not too short, prisoners were also offered a blood test on a voluntary basis. However, there was no systematic blood testing for transmissible diseases, though tuberculosis screening - through tuberculin testing - was due to be introduced for all prisoners as from July 1998. The confidentiality of medical files was guaranteed; they were kept in a locked cabinet on the premises of the health care service of each prison.

42. In both establishments, the health care service offered general medicine consultations. However, no in-house specialist consultations were provided (pneumology, cardiology, gastroenterology, etc.) other than those by a dentist and a psychologist; consequently, in case of need, prisoners were taken to the relevant specialist's surgery under police escort. The doctor in charge of the health care services of both establishments told the delegation that, on occasion, specialist doctors were reluctant to take patients who were being held in prison.

Prisoners requiring in-patient hospital care could be transferred to Nostra Senyora de Meritxell Hospital, which had two secure single rooms.

43. As for emergency arrangements, a doctor was permanently on call. However, at both establishments there were no nurses present during the night, at weekends or on public holidays; further, at Casa de la Vall Prison there were no nursing staff present in the mornings.

**The CPT recommends that the Andorran authorities take steps to ensure that a person competent to provide first aid, preferably with a nursing qualification, is always present in each prison.**

b. psychiatric care

44. As mentioned above (cf. paragraph 42), prisoners with psychiatric disorders could benefit from consultations with a psychologist within the prison or with a psychiatrist in private practice.

45. The delegation was informed that a prisoner with a psychiatric condition who, in January 1998, had required in-patient hospital treatment, had been placed in a segregation cell at Casa de la Vall Prison for 20 days immediately following his return from hospital, because he was regarded as a potential danger to himself and/or others. In addition to the fact that, given the layout of the cell in question (cf. paragraph 49), this measure was inappropriate from a purely medical viewpoint, the period spent in segregation was considerably longer than that normally authorised by the Director of Prisons (rarely more than a week).

**The CPT recommends that the Andorran authorities take steps to ensure that:**

- **prisoners suffering from psychiatric disorders have access to appropriate psychiatric care and, in particular, to hospital treatment when their state of health so requires;**
- **the segregation cell at Casa de la Vall Prison is not used for medical purposes, and more particularly for the confinement of prisoners suffering from psychiatric disorders.**

c. health promotion

46. The task of prison health care services should not be limited to treating sick patients. It also lies with such services - acting in conjunction with the competent authorities - to supervise catering arrangements (quantity, quality, preparation and distribution of food) and conditions of hygiene (cleanliness of clothing and bedding, access to running water, sanitary installations), as well as the heating, lighting and ventilation of cells. Work and outdoor exercise arrangements should also be taken into account.

47. As already mentioned (cf. paragraphs 34 to 36), the prevailing conditions of detention in the prisons visited were not adequate: e.g. almost total lack of access to natural light, inadequate ventilation and absence of regime activities.



In this context, the prison health care services should be attentive to the impact of the prevailing situation on the health of prisoners and take appropriate measures to remedy it, particularly from the psychological point of view. More particularly, the prisons' health care services should assume a more active role in monitoring living conditions and, if necessary, advocate appropriate measures with a view to promoting the health of prisoners.

**The CPT recommends that Andorra's prison health care services be encouraged to assume such an active role.**

## **5. Other issues of relevance to the CPT's mandate**

### **a. segregation for disciplinary reasons**

48. The CPT wishes to stress at the outset that its delegation did not find any evidence of abusive use of segregation for disciplinary reasons (cf. however, paragraph 45).

49. Nevertheless, at both establishments visited, the material conditions under which segregation for disciplinary reasons took place were far from ideal. While the cells concerned were equipped with a bed, washbasin and lavatory, and had adequate artificial lighting, they had no access to natural light and were very small (in the order of 4.5 m<sup>2</sup>). As a result, the cells in question are not suitable for the placement of a prisoner for more than one or two days.

**Consequently, the CPT recommends that more suitable facilities be sought for disciplinary segregation purposes at both prisons. The cells in question should benefit from both artificial lighting and access to natural light and, in addition to a bed, should be equipped with a table and chair (if necessary fixed to the floor).**

50. As regards the disciplinary regime, the delegation was informed that persons segregated for disciplinary reasons had access to reading matter and writing materials, and were allowed to take outdoor exercise. Concerning the latter, the CPT wishes to stress that the recommendation made in paragraph 38 on the subject of outdoor exercise applies to all prisoners, including those segregated for disciplinary reasons.

51. With regard to formal safeguards in the context of segregation for disciplinary reasons, at both prisons visited, an information sheet containing an account of the house rules was made available to prisoners. Those rules made reference to certain conduct considered as being in breach of discipline. However, this was not based upon a formal legal framework<sup>2</sup>, and inmates were not informed of the disciplinary consequences of such breaches. As regards this latter point, the CPT's delegation was informed that, at least in theory, an inmate could be segregated for disciplinary reasons for up to thirty days, although in practice such placements apparently rarely lasted more than a week.

In the absence of legal provisions to that effect, inmates were not informed in writing of the charges against them nor given the opportunity to explain/defend themselves. Nevertheless, it appeared that, in most cases, the judicial authorities were informed of the segregation of inmates and of the reasons therefor, and the delegation was told that prisoners could address a written complaint to the relevant judge or ask their lawyer to raise the matter with the judicial authorities. However, they had no formal right of appeal against disciplinary sanctions.

Consequently, the CPT welcomes the initiative of the Andorran authorities to enact a Prison Law addressing these and other relevant issues; **it recommends that a high priority be accorded to the adoption of such a law.**

b. complaints and inspection procedures

52. The CPT attaches particular importance to regular visits to all prison establishments by an independent body (for example, a visiting committee or a judge with responsibility for carrying out inspections) with authority to receive - and, if necessary, take action on - prisoners' complaints and to visit the premises. During such visits, the persons concerned should make themselves "visible" to both the prison authorities and staff and the prisoners. They should not limit their activities to seeing prisoners who have expressly requested to meet them, but should take the initiative by visiting the establishments' detention areas and entering into contact with inmates.

53. Under Article 237 of the Code of Criminal Procedure, a senior judge has the duty to visit the prisons twice a month, in order to review the situation of inmates and adopt any measures which may be required in order to remedy any abuse or shortcoming observed. Further, the Prosecutor General has a duty to visit the prisons once every three months, and may make visits as often as he/she considers necessary. However, the information gathered by the CPT's delegation suggests that only occasional visits on behalf of the Prosecutor General were being carried out.

**The CPT recommends that the competent judge and prosecutor be encouraged to carry out more frequent visits to the prison establishments in Andorra, in the course of which they should view the whole of the establishments' premises and enter into direct contact with both prison staff and prisoners.**

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<sup>2</sup> At the time of the visit, a Prison Law only existed in draft form.

### **III. RECAPITULATION AND CONCLUSIONS**

#### **A. Police establishments**

54. In the course of its visit, the CPT's delegation heard no allegations of torture of persons detained by the police in Andorra, and gathered no other evidence of such treatment. Moreover, very few allegations were heard of other forms of ill-treatment, and information gathered from other sources served to confirm the delegation's generally positive impression. The CPT has welcomed this state of affairs, which would tend to suggest that persons deprived of their liberty by the police in Andorra run little risk of being ill-treated.

55. The CPT attaches particular importance to three rights for persons deprived of their liberty by the police, namely the right of those concerned to inform a close relative or another third party of their choice of their situation, the right of access to a lawyer and the right of access to a doctor. It considers that these three rights are fundamental safeguards against the ill-treatment of persons deprived of their liberty, and should apply from the very outset of custody (that is, from the moment when the persons concerned are obliged to remain with the police).

In this context, the CPT has welcomed the fact that the draft Code of Criminal Procedure will bring the legal situation in Andorra as regards the right of notification of custody into line with the Committee's criteria on this subject. However, although the draft Code provides for a right of access to a lawyer, this will only become effective after 24 hours in police custody. Further, the draft Code makes no reference to a detained person's right of access to a doctor of their own choice. The Committee has recommended that the terms of the draft Code of Criminal Procedure be re-drawn in order to provide persons detained by the police with a right of access to a lawyer as from the very outset of their custody, and to include a specific legal provision on their right of access to a doctor of their own choice.

56. Further, the CPT has recommended that a code of conduct for police interviews be drawn up, and has invited the Andorran authorities to explore the possibility of electronically recording police interviews.

57. All of the police cells seen by the CPT's delegation at the Police Headquarters in Andorra la Vella and at Pas de la Casa Police Station were clean and in a satisfactory state of repair, and persons required to remain in police custody overnight were being provided with clean mattresses and blankets. However, none of the cells seen benefitted from access to natural light and in-cell ventilation was poor.

At the Police Headquarters, the cells were not of a reasonable size for the use to which they were being put. However, the CPT has chosen not to pursue this matter as the cellular accommodation at the Police Headquarters was due to be taken out of service in September 1998. In principle, the cells in the new custody premises are of a reasonable size for the number of detainees which they are intended to accommodate.

58. The CPT has recommended that the conditions of detention in all police detention facilities in Andorra be reviewed in order to ensure that they comply with the criteria set out in the report. Further, the Committee has recommended that the provision of food to persons in police custody be reviewed in order to ensure that they receive at least one full meal (i.e. something more substantial than a sandwich) every day.

## **B. Prisons**

59. The CPT's delegation heard no allegations - and gathered no other evidence - of ill-treatment of inmates by staff in Andorran prisons. On the contrary, staff-inmate relations appeared to be cordial and relaxed and, with few exceptions, prisoners interviewed by the delegation made positive remarks about their contacts with custodial staff.

60. As for conditions of detention, at the very outset of the visit, the Andorran authorities intimated that they considered the country's current prison estate - and in particular Casa de la Vall Prison - to be inadequate. In this respect, the CPT has welcomed the plans of the Andorran authorities to withdraw Casa de la Vall Prison from service; its premises are, by their very nature, inherently unsuitable for use as a prison. As for La Comella Prison, which is to be expanded, the Committee has questioned whether all of the existing shortcomings are capable of being remedied within the establishment's current premises. In the CPT's opinion, investing in La Comella Prison would not be money well spent if this involves replicating present deficiencies on a larger scale.

61. Regardless of the timetable for the above-mentioned developments, the CPT considers that certain measures are required as of now to ameliorate the quality of life of inmates in the Casa de la Vall and La Comella Prisons. In particular, it is necessary to improve access to natural light, artificial lighting and ventilation, and to strive to develop and diversify the regime, particularly for prisoners serving lengthy sentences. Consequently, the CPT has recommended that measures be taken without delay to improve the material conditions of detention and activities offered to inmates held at both of Andorra's prisons. It has also recommended that immediate steps be taken to ensure that all prisoners are offered at least one hour of outdoor exercise every day.

62. More generally, the CPT has recalled that the decision to deprive someone of their liberty entails a correlative duty upon the State to provide decent conditions of detention, and has recommended that the Andorran authorities develop and implement a comprehensive penal strategy which takes due account of the general criteria enunciated in paragraph 39 of its report.

63. Finally, in respect of other issues of relevance to its mandate, the CPT has made certain recommendations concerning prison health care services, segregation for disciplinary reasons and complaints and inspection procedures.

Of these, it wishes to highlight its recommendations that the Andorran authorities take steps to ensure that prisoners suffering from psychiatric disorders have access to appropriate psychiatric care (including treatment in hospital when required), and that Andorra's prison health care services assume a more active role in monitoring living conditions in the prisons.

More generally, the CPT has recommended that work on the new Prison Law currently being drawn up be accorded a high priority.

**C. Action on the CPT's recommendations, comments and requests for information**

64. The various recommendations, comments and requests for information formulated by the CPT are summarised in Appendix I.

65. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Andorran authorities:

- i. to provide within six months an interim report giving details of how it is intended to implement the CPT's recommendations and, as the case may be, providing an account of action already taken;
- ii. to provide within twelve months a follow-up report providing a full account of action taken to implement the CPT's recommendations.

The CPT trusts that it will also be possible for the Andorran authorities to provide in the above-mentioned interim report reactions to the comments formulated in this report which are summarised in Appendix I as well as replies to the requests for information made.

## **APPENDIX I**

### **SUMMARY OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION**

#### **A. Police establishments**

##### **1. Preliminary remarks**

###### requests for information

- the legislative timetable for the entry into force of the new Code of Criminal Procedure (paragraph 7).

##### **2. Ill-treatment**

###### requests for information

- in respect of 1997 and 1998:
  - . the number of complaints of ill-treatment by the police lodged and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;
  - . an account of the disciplinary/criminal sanctions imposed on the grounds of ill-treatment by the police (paragraph 8);
- detailed information on the disciplinary procedures applied in cases involving allegations of ill-treatment by the police, including as regards the safeguards which ensure their objectivity (paragraph 8).

##### **3. Material conditions**

###### recommendations

- in-cell ventilation at Pas de la Casa Police Station to be reviewed (paragraph 11);
- conditions of detention in all police detention facilities in Andorra to be reviewed in order to ensure that they comply with the criteria set out in paragraph 9 of the report (paragraph 11);

- the provision of food to persons in police custody to be reviewed in order to ensure that they receive at least one full meal (i.e. something more substantial than a sandwich) every day (paragraph 12).

#### comments

- the Andorran authorities are invited to avoid as far as possible holding more than one person overnight in the cells measuring 9 m<sup>2</sup> in the custody area at the new Police Headquarters (paragraph 11).

#### requests for information

- confirmation that the custody area at the new Police Headquarters has now been brought into service, as well as further details concerning the access which detained persons are allowed to the 46 m<sup>2</sup> room located in the custody area (paragraph 11).

### **4. Safeguards against the ill-treatment of detained persons**

#### recommendations

- the terms of the draft Code of Criminal Procedure to be re-drawn in order to:
  - . provide persons detained by the police with a right of access to a lawyer as from the very outset of their custody (paragraph 20);
  - . include a specific legal provision according detainees the right to have access to a lawyer and to a doctor of their own choice (paragraph 23);
- a code of conduct for police interviews to be drawn up (paragraph 25).

#### comments

- the form being used to inform detained persons of their rights should, in due course, be amended in order to reflect the implementation of the recommendations concerning access to a doctor of one's own choice (paragraph 24);
- the Andorran authorities are invited to explore the possibility of electronically recording police interviews (paragraph 26);
- the Andorran authorities are invited to establish a system of regular visits to police establishments by an independent authority (paragraph 29).

requests for information

- the precise steps taken by the competent judicial and/or senior police authorities in cases where allegations of ill-treatment of detained persons are brought to their attention (paragraph 27);
- the comments of the Andorran authorities on the need for closed circuit television cameras inside all cells in the custody area at the new Police Headquarters (paragraph 28).

**B. Prisons**

**1. Ill-treatment**

requests for information

- in respect of 1997 and 1998:
  - . the number of complaints of ill-treatment lodged against prison officers and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;
  - . an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by prison officers (paragraph 33).

**2. Conditions of detention**

recommendations

- at both of Andorra's prisons:
  - . measures to be taken without delay to improve the material conditions of detention and activities offered to inmates, in the light of the remarks made in paragraph 38;
  - . immediate steps to be taken to ensure that all prisoners are offered at least one hour of outdoor exercise every day;
  - . official capacities and actual occupancy levels to be reviewed, having regard to the remarks made in paragraph 34 (paragraph 38);
- the Andorran authorities to develop and implement a comprehensive penal strategy, taking due account of the criteria set out in paragraph 39 (paragraph 39).



requests for information

- the envisaged closure date of Casa de la Vall Prison (paragraph 37);
- detailed information about the planned expansion of La Comella Prison (types of prisoner accommodation, planned occupancy rate, activities envisaged for prisoners, etc.) (paragraph 37).

**3. Health care services**

recommendations

- steps to be taken to ensure that a person competent to provide first aid, preferably with a nursing qualification, is always present in each prison (paragraph 43);
- steps to be taken to ensure that:
  - . prisoners suffering from psychiatric disorders have access to appropriate psychiatric care and, in particular, to hospital treatment when their state of health so requires;
  - . the segregation cell at Casa de la Vall Prison is not used for medical purposes, and more particularly for the confinement of prisoners suffering from psychiatric disorders (paragraph 45);
- the prison health care services to be encouraged to assume an active role in monitoring living conditions in Andorran prisons; if necessary, they should advocate appropriate measures with a view to promoting the health of prisoners (paragraph 47).

**4. Other issues of relevance to the CPT's mandate**

recommendations

- more suitable facilities to be sought for disciplinary segregation purposes at both prisons. The cells in question should benefit from both artificial lighting and access to natural light and, in addition to a bed, should be equipped with a table and chair (paragraph 49);
- a high priority to be given to the adoption of a Prison Law (paragraph 51);
- the competent judge and prosecutor to be encouraged to carry out more frequent visits to the prison establishments in Andorra, in the course of which they should view the whole of the establishments' premises and enter into direct contact with both prison staff and prisoners (paragraph 53).

**APPENDIX II**

**LIST OF THE NATIONAL AUTHORITIES AND OTHER PERSONS  
WITH WHOM THE CPT'S DELEGATION HELD CONSULTATIONS**

**A. National authorities**

Mr Lluís MONTANYA TARRÉS	Minister for the Interior
Mr Pere PASTOR VILANOVA	Director of the Interior
Mr Antoni ALEIX CAMP	Director of the Police
Mr Antoni MOLNÉ SOLSONA	Director of Prisons
Mr Joan BRUNET	President of the High Court (Tribunal de Corts)
Mr Jacint RIBERAIGUA CAELLES	Vice-President of the High Court
Mr Enric PARIS TORRES	Judge (Batlle)
Ms Asumpta PUJOL RIBERA	Prosecutor General
Ms Concepció BARÓN MORA	Prosecutor
Mr Carles FIÑANA PIFARRÉ	Prosecutor

**B. Other persons met by the CPT's delegation**

Mr Jesús JIMÉNEZ NAUDI	Lawyer
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